

Mt. Vernon Planning and Zoning Commission
Minutes
May 5, 2021

The Planning and Zoning Commission meeting was held via the Zoom application. The public was invited to participate via telephone by calling 1-312-626-6799 and prompted to enter the following information: Meeting ID: 832 3501 7679 and Password: 436103. If assistance was needed before the meeting began the public could contact City Planner, Laura Eckles at 641-521-4110. The following Commission members were remotely present: Joan Burge, Jay Willems, Matt Nelson, Trude Elliott and Rich Hileman. Absent: Truman Jordan and Jenna Wischmeyer. Also in attendance: City Planner Laura Eckles. Vice Chairperson, Rich Hileman, called the meeting to order at 6:33 p.m.

Approval of Agenda and April 14, 2021 minutes. These documents stand approved unless otherwise indicated by Commission members.

Discussion and possible action on adopting a new special overlay district for the US Highway 30 Master Plan. City Planner, Laura Eckles, explained that this is referencing the US Highway 30 Master Plan that has been approved. As mentioned in the rough draft document, the proposed overlay district is intended to provide building design guidelines within the overlay district boundary. The underlying zoning district standards will apply when not addressed by the US Highway 30 Master Plan. Eckles explained that this would not be changing anything that has already been approved in the Highway 30 Master Plan, but just adding another layer of standards that need to be followed. Hileman felt that this document needed to be more descriptive and specify that it was creating zoning districts within the US Highway 30 Master Plan. Eckles explained that there would be no zoning changes made with this document but said if something was not covered within the Master Plan, it would revert back to the current zoning. This would be updating the ordinance to include the overlay district.

Willems made a motion to approve the new special overlay district for the US Highway 30 Master Plan. Burge seconded the motion.

Hileman had concerns about what is being done with this document and what its consequences are expected or intended to be. He feels that what has been approved so far is an amendment to the Comprehensive Plan, which allows the kinds of things that are provided for in the Master Plan to be done in that area, but accomplishes nothing towards them being done. It doesn't rezone any of the zones that are currently there and rezoning those zones requires going through the full rezoning process requiring public hearings, etc. Hileman feels this is what needs to be done to implement what was provided in the amendment to the Comprehensive Plan. His view about what has been done so far in the amendment to the Comprehensive Plan did not constitute any zoning action whatsoever. Eckles explained that there were no zoning changes taking place with this document, just

adding an overlay to the zoning that was already there that would add more guidelines and design standards. Eckles said this was similar to a PUD and even though a PUD can be zoned as one thing, it has its own requirements because it is an overlay on top. Hileman said he did not know the legal effect or the purpose or the intended purpose of this document and would not vote for it. Elliott agreed and felt it should be clarified.

City Administrator Chris Nosbisch joined the meeting by phone. Hileman said this appeared to him to be an amendment to the zoning ordinance. Nosbisch said it was intended to create an overlay district. Hileman said in his opinion, it was adding a new overlay district by adding chapter 509, so it was changing the zoning ordinance. Nosbisch agreed, saying it was an amendment to the zoning ordinance, not the zoning map. Hileman then said it was clear to him that what is being presented to them tonight was an amendment to the zoning ordinance, by adding section 509 to Article 5. Nosbisch agreed. Hileman felt that rezoning would need to be done in that area to be consistent with the Master Plan and this can't be done through an overlay district, in his opinion. Hileman did not think that they could legally rezone and change the uses that are allowed in this area by just adopting this overlay. Nosbisch said legally this can be done, which is basically like a PUD, which does the same thing. Nosbisch also said the bypass plan itself is the underlying document that establishes the guidelines just like a PUD. So, instead of creating one document every time a subdivision or zoning request was done, the bypass plan has already done that for us. Hileman still felt that a change to the zoning ordinance was required and it should be presented to the Planning and Zoning Commission as such, by having a public hearing. The agenda tonight did not specify that. He feels that it should not be acted upon tonight and it should be put on a future meeting agenda, with a public hearing. It should be labeled as an amendment to the Zoning Ordinance to create a Special Overlay District and the provisions for amending the Zoning Ordinance should be strictly followed.

Willems moved to withdraw his motion. Burge agreed to the withdrawal of the motion. No action taken on this agenda item.

Old Business. ECICOG has been contacted about rewriting a few of the ordinances discussed at the last meeting. It appears that the ordinance referencing solar arrays does not need any amendments at this time.

Meeting adjourned at 7:34 p.m. on May 5, 2021.

Respectfully submitted,
Marsha Dewell
Deputy Clerk